

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE PAMELA E. NEAL,	:	Bankr. Pet. No. 98-52632 (KCF)
	:	Bankr. Adv. Proc. 03-1049 (KCF)
Debtor.	:	
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PAMELA E. NEAL,	:	CIVIL ACTION NO. 04-5637 (MLC)
	:	
Appellant,	:	MEMORANDUM OPINION
	:	
v.	:	
	:	
STATE OF NEW JERSEY, et al.,	:	
	:	
Appellees.	:	
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THE COURT HAVING ISSUED an order to show cause why the appeal from an order of the United States Bankruptcy Court, dated October 25, 2004, should not be dismissed for (1) failure to prosecute pursuant to Federal Rules of Bankruptcy Procedure 8009(a) and 9006(a)-(b), and (2) failure to prosecute and to comply with this Court's order dated July 6, 2005 ("July 2005 Order"), pursuant to Federal Rule of Civil Procedure 41(b) (dkt. entry no. 9); and this Court – in the July 2005 Order – having (1) granted the motion of the appellant's counsel, Bruce Eric Baldinger, to withdraw as counsel, (2) directed Baldinger to (a) serve a copy of the July 2005 Order on the appellant in a specified manner, and (b) file proof thereof with this Court, and (3) directed the appellant, within 45 days of being served, to either (a) have new counsel enter an appearance, or (b) enter an

appearance pro se (dkt. entry no. 8); and this Court, on the afternoon of August 30, 2005, having (1) telephoned Baldinger, and (2) left a voice-mail message, seeking an immediate response as to whether he intended to comply with the July 2005 Order; and Baldinger failing to respond to that inquiry; but

BALDINGER NOW RESPONDING to the Court's order to show cause; and Baldinger now filing proof with the Court that he served a copy of the July 2005 Order on the appellant in the specified manner on July 12, 2005 (dkt. entry no. 10); and Baldinger stating he and the appellant are now "adversaries in litigation," and the appellant has obtained a state-court order "disallowing [him] from further attempts to contact her by any means" (9-15-05 Letter); and

IT APPEARING — as the appellant was served with the July 2005 Order on July 12, 2005 — the 45-day period elapsed on August 26, 2005; and the appellant failing to either (1) have new counsel enter an appearance, or (2) enter an appearance pro se; and thus the Court intending to dismiss the appeal for failure to prosecute pursuant to Federal Rules of Bankruptcy Procedure 8009(a) and 9006(a)-(b), and (2) failure to prosecute and to comply with the July 2005 Order pursuant to Federal Rule of Civil Procedure 41(b); and the Court intending to direct the Clerk of the Court to mail a copy of this memorandum opinion and the appropriate order and judgment to the appellant directly; and for

good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper

MARY L. COOPER

United States District Judge